IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.531 OF 2006
IN
CHAMBER SUMMONS NO.280 OF 2006
IN
SUIT NO.263 OF 1977
ALONG WITH
NOTICE OF MOTION NO.2382 OF 2006
IN
APPEAL NO. 531 OF 2006
IN
CHAMBER SUMMONS NO.282 OF 2006
IN
SUMMARY SUIT NO. 263 OF 1977

Ramanna Nagappa Shetty ..Appellant

Vs.

Syndicate Bank and Ors. ..Respondents

...

Dr.Virendra Tulzapurkar Senior Counsel
with Mr.M.P.S.Rao i/b Little & Co.
for Appellant
Mr.Sandeep Parekh i/b Kanga & Co.
for Respondent No.1

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CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : AUGUST 7,2006

P.C.

1. In this appeal, it is submitted that the learned Judge had no reason to exercise discretion in allowing the amendment after a long period of time.

2. The law is now settled that the Court will reject the amendment if it is barred by limitation, if it is

useless, alters the cause of action or changes the nature of suit. In the instant case, what is contended is that the amendment is not bonafide.

3. Considering the fact that learned Single Judge has gone into issue and has exercised discretion, it will not be appropriate for this Court to interfere with the exercise of discretion. All that can be said is that so far limitation is concerned, that will not relate back to the date of the suit and it will be to the Defendant if entitled in law, to raise the plea of limitation.

4. With the above observation, appeal stands disposed of.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]